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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JOHNSON & JOHNSON HEALTH CARE SYSTEMS INC., Plaintiff, v. SAVE ON SP, LLC, Defendant.	Civil Action No. 2:22-cv-02632 (ES)(CLW) *Document electronically filed* **ORDER**

THIS MATTER having come before the Court on February 28, 2023, March 17, 2023, and April 13, 2023,

IT IS ORDERED THAT:

1.   The Pretrial Scheduling Order entered on November 28, 2022, ECF No. 64, remains in effect.

2.   Johnson & Johnson Health Care Systems Inc.'s ("JJHCS") motion to compel Save On SP, LLC ("SaveOnSP") to produce documents related to non-Janssen drugs and patients, ECF No. 65 at Section II.D, is denied without prejudice.

3.   JJHCS's motion to compel SaveOnSP to produce documents responsive to JJHCS's Request for Production No. 43, ECF No. 66 at Section C, is denied.

4.   JJHCS's motion to compel SaveOnSP to produce documents responsive to JJHCS's Request for Production No. 52, ECF No. 66 at Section E, is denied without prejudice.

5.   SaveOnSP's motion for a protective order regarding JJHCS's third-party discovery requests, ECF No. 79 at Section II, is denied without prejudice.

6.   SaveOnSP shall produce the identities of its health plan clients and of patients enrolled in health plans advised by SaveOnSP who have been prescribed Janssen drugs or are enrolled in or are eligible to enroll in CarePath.

7.   JJHCS shall meet and confer with SaveOnSP regarding the total number of subpoenas that it intends to issue to SaveOnSP's health plan clients and their plan participants, with sufficient notice that SaveOnSP can seek relief from the Court if the number of subpoenas that JJHCS intends to serve is disproportionate to the case. JJHCS may issue subpoenas without SaveOnSP's consent.

8.   JJHCS may contact any health plan or patient and is not restrained by the Court from contacting anyone. JJHCS shall keep SaveOnSP regularly apprised of the volume of outreach it has made to patients and health plans. JJHCS need not do so prior to conducting any outreach.

9.   SaveOnSP's motion to compel JJHCS to produce documents responsive to SaveOnSP's Requests for Production Nos. 11, 28.a-28.h, 29, and 30, ECF No. 79 at Section III.A, is denied without prejudice, subject to renewal after JJHCS completes its initial production of documents responsive to these Requests. JJHCS is directed to prioritize its production of documents responsive to these Requests.

10.   SaveOnSP's motion to compel JJHCS to produce all documents responsive to SaveOnSP's Requests for Production Nos. 12 and 13, ECF No. 79 at Section III.D, is denied without prejudice, subject to renewal after JJHCS completes its initial production of documents responsive to

these Requests. JJHCS is directed to prioritize its agreed-upon production of documents responsive to these Requests.

11.   SaveOnSP's motion to compel JJHCS to produce documents responsive to SaveOnSP's Request for Production No. 34, ECF No. 79 at Section III.E, is denied.

12.   JJHCS's motion to compel SaveOnSP to respond to Interrogatory No. 14, ECF No. 95 at Section II, is granted in part and denied in part without prejudice. SaveOnSP is ordered to answer Interrogatory No. 14 only with respect to Express Scripts, Inc. ("ESI").

13.   JJHCS's motion to compel SaveOnSP to respond to Interrogatory No. 15, except for information related exclusively to non-Janssen drugs and patients, ECF No. 95 at Section I, is granted. SaveOnSP is ordered to answer Interrogatory No. 15 with respect to Janssen drugs.

IT IS FURTHER ORDERED THAT the Court will hold a status conference in this matter on June 6, 2023 at 1:00 p.m. at the Martin Luther King Jr. Courthouse, 50 Walnut St. Courtroom 4C, Newark, New Jersey 07101.

Dated: April 27, 2023   s/ Cathy L. Waldor
                                                        Honorable Cathy L. Waldor, U.S.M.J.